THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20430 OF 2005

Dated: 15-11-2005

Between

Mylavarapu Kishore Chander, ACA, S/o. M. Poornachandra Rao, Resident of Plot No.44B, Lakeview Residency, Second Avenue, Sainik Puri, Hyderabad.

...PETITIONER

AND

The Commissioner of Police, Hyderabad City, Basheerbagh, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner questions the action of the respondents in illegally detaining him on 29.08.2005 and forcibly taking away his belongings viz. Gold Chain weighing about 22 gms, Gold Bracelet weighing about 20 gms and motorbike bearing No.AP-16 M 1796.

Petitioner submits that he joined as an Accountant in Sahi Systems Private Limited in May 2002 and later he joined in Recursion Software Private Limited in February 2003. The fifth respondent owns the said company. He resigned the said job as he was not satisfied with the job and joined another company namely Deloitte S.S.I. Private Limited in the month of October 2004 as Assistant Manger. While so, on 29.08.2005, while he was with his family members at his residence at Sainikpuri, one police constable by name Sri Lingappa of Banjara Hills Police Station came to him and asked him to come to the fifth respondent; but

without taking him to the fifth respondent the constable took him to Banjara Hills Police Station and made him to sit there stating that the fifth respondent is coming there. It is further submitted that no reason has been stated as to why he was taken to the police station and was illegally confined there by the third respondent and asked three constables to take him into the cell and teach a lesson. The said constables stripped his shirt and beat him with sticks for about 20 minutes. At about 12 noon the third respondent told him that a fraud has been committed in the Recursion Software Limited and he was held responsible for the same. At about 3.30 PM the third respondent forcibly took away his gold chain, gold bracelet and motorbike and demanded him to pay about Rs.1,60,000/- to settle the matter. Only during midnight the police asked him to go and bring money. On the next day also the same constable came to his house and demanded to pay the said amount. He further submits that the action of the respondents in interfering with his personal life and liberty without there being any complaint and without registering any case against him; detaining him in the police station and snatching away his belongings is illegal and accordingly seeks a direction to declare the action of the respondents as illegal and arbitrary.

Counter has been filed on the behalf of the respondents 1 to 4 stating that the fifth respondent lodged a complaint with the Station House Officer, Banjara Hills Police Station on 14.07.2005 stating that he has a salary account with HDFC Bank under A/c No.5211050070674 and that a set of internet transactions were performed against his account into the account of one Mr. Chandra Sekhar Voleti, having salary account with the same bank and all these transactions were done without his authorization and requested to take necessary action. Basing on the said complaint a case in Cr.No.594 of 2005 for the offence under Section 379 IPC was registered and investigation was taken up. It is stated that though a suspicion arose on the petitioner basing on the statement of the complaint during the course of the enquiry no case is registered against him so far. The allegation that the petitioner was called to the police station is denied stating that no constable was ever sent to the residence of petitioner and he was never subjected to any harassment. The other allegation that his articles were seized or stolen from his possession and a demand for money was made is also denied by the respondents. It is further stated that petitioner was not at all beat or scolded.

In view of the aforesaid disputed questions of fact, I am of the opinion that no relief can be granted to the petitioner in this writ petition. However, the only course open to the petitioner

is to file a private complaint and to prove the said allegations before the appropriate Court of law to take necessary action against the respondents. If really the allegations of wrongful confinement and illegal demand for money are proved then it is a serious matter to be looked into.

Having regard to the facts and circumstances of the case, the writ petition is accordingly dismissed with a liberty to the petitioner to file a private complaint.

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V. ESWARAIAH, J

November 15, 2005

DSK